Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

SECRET

PAGE 01 USUN N 03570 032341Z

60
ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
---------- 112551
O 032245Z SEP 76
FM USMISSION USUN NY
TO SECSTATE WASHDC IMMEDIATE 8994

S E C R E T USUN 3570

NODIS

FROM LOS DEL

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: SECRETARY'S ROUND-TABLE DISCUSSION ON COMMITTEE II MATTERS

1. ATTENDING THE SEPTEMBER 1 MULTILATERAL ON COMMITTEE I WERE REPRESENTATIVES FROM PERU, BRAZIL, MEXICO, TUNISIA, NIGERIA, GHANA, UK, SENEGAL, SRI LANKA, CAMEROON, NORWAY, ARGENTINA, CHILE, NETHERLANDS, JAMAICA AND INDIA. THE SECRETARY OPENED THE MEETING BY NOTING IMPORTANCE US ATTACHES TO CONFERENCE AND THE PARTICULAR NEGOTIATING PROBLEMS IN COMMITTEE I -- ACCESS, ARTICLE 9 AND MACHINERY QUESTIONS INVOLVING THE ASSEMBLY AND COUNCIL -- AND SUGGESTED DISCUSSIONS COMMENCE ON THE QUESTION OF ACCESS.

2. DESOTO (COMMITTEE I REP, PERU) MADE STATEMENT EMPHASIZING DEMANDS OF INDUSTRIALIZED COUNTRIES FOR AUTOMATIC ACCESS AS KEY DIFFICULTY WITH PARALLEL SYSTEM. COLLATERAL DIFFICULTY WITH PARALLELISM WAS FACT THAT ENTERPRISE WOULD NOT HAVE WHEREWITHAL TO TAKE ADVANTAGE OF OPPORTUNITY TO EXPLOIT EQUAL TO THAT GRANTED STATES AND PRIVATE ENTERPRISES. IN RESPONSE TO SECRETARY'S QUESTION, DESOTO INDICATED THAT PARALLEL SYSTEM THAT ENSURED ALMOST AUTOMATIC ACCESS AND GAVE AUTHORITY NO LATITUDE TO NEGOTIATE, AS CONTAINED IN REVISED SNT, WAS NOT ACCEPTABLE TO GROUP OF 77. GROUP OF 77 WANTED DISCRETION IN AUTHORITY BOTH TO
SECRET

SECRET

PAGE 02 USUN N 03570 032341Z

DETERMINE IF DEFINED CRITERIA HAD BEEN MET AND TO

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

NEGOTIATE ON BASIS OF COMPETITIVE BIDDING. DESOTO IN-
DICATED THAT MAKING ENTERPRISE FUNCTIONAL WOULD NOT
ELIMINATE LDC INSISTENCE ON AUTHORITY'S RIGHT TO GET
BEST FINANCIAL DEAL IT CAN THROUGH NEGOTIATION.

3. PINTO (COMMITTEE I REP, SRI LANKA) THEN EXPLAINED
THAT ACCEPTABILITY OF PARALLEL SYSTEM IN PRINCIPLE HAD
NOT BEEN DECIDED. PROPOSALS ON RESERVATION OF AREAS, AS
WELL AS FINANCING ENTERPRISE, WERE HELPFUL BUT COULD NOT
ALONE DECIDE ACCEPTABILITY OF PARALLEL SYSTEM. IN HIS
VIEW, THE LDCS MIGHT ACCEPT PARALLEL SYSTEM WHERE STATE
AND PRIVATE COMPANY ACCESS WAS REGULATED ON BASIS OF
OBJECTIVE CRITERIA WITH SOME ROOM FOR AUTHORITY TO NEGO-
TIATE WITHIN DEFINED PARAMETERS. BUT AUTHORITY MUST HAVE
COMPETENCE TO NEGOTIATE.

4. CISSE (HEAD OF DEL, SENEGAL) EXPLAINED THAT CHIEF
DIFFICULTY AMONG AFRICAN DELS WITH PARALLEL SYSTEM WAS UN-
EQUAL POSITION OF ENTERPRISE AND SUGGESTED THAT IF WAY COULD
BE FOUND TO PROVIDE FINANCING AND TECHNOLOGY TO ENTER-
PRISE, PARALLEL SYSTEM IN PRINCIPLE MIGHT BE SALEABLE.
THE SECRETARY THEN INTERVENED TO ELABORATE US POSITIONS
RELEVANT TO THIS POINT: (A) TO SOME IN US, LDCS WERE
ASKING US TO GIVE MONEY AND TECHNOLOGY TO ENTERPRISE,
WHICH WOULD BE OUR COMPETITOR, THEN TURN OVER MINE SITES
TO THE ENTERPRISE AND THEN SUBJECT ACCESS, WHICH WE BE-
LIEVE WE ALREADY HAVE, TO TOTAL DISCRETION OF AUTHORITY;
(B) US COULD HONESTLY NOT GIVE UP PARALLEL SYSTEM;
UNLIKELY CHANGE IN ADMINISTRATION WOULD NOT INCREASE OUR
FLEXIBILITY ON THIS POINT; (C) COMPLETE DEADLOCK AT END
OF THIS SESSION WOULD TEND TO ENCOURAGE UNILATERAL ACTION,
NOT MORE CONCESSIONS, FROM US; (D) ACCESS FOR STATES AND
PRIVATE ENTERPRISE MUST BE SUBSTANTIALLY AUTOMATIC; (E)
US WOULD BE PREPARED TO WORK OUT METHOD OF FINANCING
ENTERPRISE TO ENSURE THAT IT CAN ENGAGE IN MINING PRAC-
TICALLY CONCURRENT WITH PRIVATE OPERATIONS; WHILE US HAD
NO SPECIFIC PROPOSALS, THE SECRETARY ASSURED DELS THAT
NEGOTIATIONS WOULD NOT FOUNDER ON DETAILS OF MAKING ENTER-
PRISE FUNCTIONAL; (F) US WAS ALSO PREPARED TO DISCUSS
TRANSFER OF TECHNOLOGY TO ENTERPRISE; (G) AND US COULD
SECRET

SECRET

ACCEPT CONCEPT OF PERIODIC REVIEWS OF PROVISIONS ON SYSTEM
OF EXPLOITATION IN PART I OF TREATY, THE FIRST TO OCCUR
AFTER PERHAPS 25 YEARS.

5. SECRETARY'S STATEMENT WAS FOLLOWED BY REMARKS OF
BOATEN (COMMITTEE I REP, GHANA), IBEKWE (ATTORNEY-
GENERAL, NIGERIA) AND ENGO (CHAIRMAN OF COMMITTE I,
CAMEROON). COMMENTS OF BOATEN AND ENGO WERE LARGELY

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

UNFOCUSSED AND GENERAL, NOT SPECIFICALLY ADDRESSED TO PROPOSALS OF THE SECRETARY. IBEKWE'S REMARKS, HOWEVER, POINTEDLY CONTAINED COUNTER-PROPOSAL TO EFFECT THAT PARALLEL SYSTEM CONCEPT BE DISCARDED AND NEGOTIATION COMMENCE ON SINGLE SYSTEM OF JOINT VENTURES. NIGERIAN REP'S PROPOSAL STRESSED THAT EXTENT OF AUTHORITY'S PARTICIPATION IN JOINT VENTURE WAS NOT CRITICAL SINCE ANY EFFECTIVE SYSTEM WOULD HAVE TO GIVE MAJORITY CONTROL TO PRIVATE OPERATOR (HE SUGGESTED 49 PERCENT PARTICIPATION BY AUTHORITY). THE SECRETARY INDICATED THAT THIS CONCEPT WAS NEW AND THAT HE WOULD LIKE TO THINK ABOUT IT CAREFULLY.

6. VINDENES (COMMITTEE I REP, NORWAY) NOTED THAT DIFFERENCES BETWEEN AUTOMATIC ACCESS AS PROPOSED BY INDUSTRIALIZED COUNTRIES AND NEGOTIATED ACCESS AS PROPOSED BY LCDS WERE NOT SO GREAT AS APPEARED. NEGOTIATED ACCESS PROPOSALS OF LCDS STILL PROVIDED THAT AUTHORITY'S DISCRETION WOULD BE LIMITED BY TREATY AND RULES AND REGULATIONS. AUTOMATIC ACCESS PROPOSALS NECESSARILY GRANT AUTHORITY CONSIDERABLE DISCRETION IN APPLYING REGULATIONS TO INDIVIDUAL CASES. VINDENES THEN SUGGESTED THAT ONE WAY TO ACCOMMODATE BOTH SIDES MIGHT BE TO LEAVE CONSIDERABLE DISCRETION TO AUTHORITY IN TREATY PROVISIONS ON TERMS OF ACCESS BUT SIMULTANEOUSLY TO REQUIRE THAT AUTHORITY EXERCISE ITS DISCRETION IN THE RULE-MAKING PROCESS. ONCE RULES WERE ADOPTED, THE AUTHORITY'S DISCRETION IN GRANTING ACCESS WOULD BE STRICTLY LIMITED BY THOSE RULES AND REGULATIONS. THE SECRETARY INDICATED THAT US WOULD BE PREPARED TO EXPLORE WHETHER NORWEGIAN APPROACH COULD LEAD TO RESOLUTION OF ACCESS SYSTEM.

7. IN RESPONSE TO PERUVIAN EXPRESSION OF INTEREST IN

WHAT US HAD IN MIND ON COUNCIL, THE SECRETARY INDICATED THAT US HAD NEW PROPOSAL ON COUNCIL VOTING WHICH WE WOULD LIKE TO CIRCULATE TO DELS PRESENT IN NEXT FEW DAYS AND RECEIVE THEIR COMMENTS BEFORE MOVING TO INTRODUCE DRAFT ARTICLE FORMALLY. THE SECRETARY THEN SUMMARIZED REMARKS HE HAD MADE EARLIER AND ASKED EVERY DEL PRESENT TO REVIEW THE SITUATION IN LIGHT OF HIS PROPOSALS TO SEE WHETHER COMMITTEE I COULD CONCLUDE THIS SESSION WITH SOME BASIC UNDERSTANDING ON PRINCIPLE OF PARALLEL EXPLOITATION SYSTEM.

BENNETT

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, LESS DEVELOPED COUNTRIES, COMMITTEE MEETINGS, MEETING REPORTS, INDUSTRIALIZED NATIONS, NEGOTIATIONS, MINISTERIAL VISITS, CAT-B
Control Number: n/a
Copy: SINGLE
Draft Date: 03 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN03570
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: P840093-1654, N760006-0644
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760990/aaaaczrl.tel
Line Count: 165
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NODS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: NODIS
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: NODIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 17 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 MAY 2004 by woolflhd>; APPROVED <15 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SECRETARY'S ROUND-TABLE DISCUSSION ON COMITTEE II MATTERS
TAGS: PLOS, OVIP, XX, (KISSINGER, HENRY A)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006